

Mellon, J

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

HEIDI JOHNSON, BRYAN ROSENBLITHE,  
AMY GARSON, and SREBRINA BALOVA, on  
behalf of themselves and all others similarly  
situated,

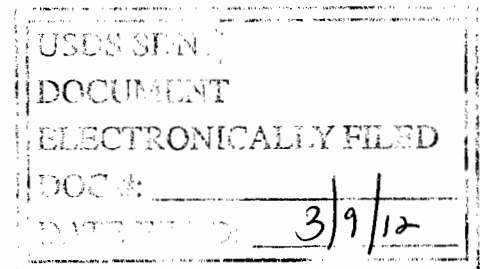
Plaintiffs,

-against-

TERRANCE BRENNAN, ARTISANAL  
FROMAGERIE & BISTRO, LLC, and  
ARTISANAL GROUP, LLC,

Defendants.

10-CV-4712 (CM)



~~PROPOSED~~ ORDER RE: REDISTRIBUTION OF SETTLEMENT FUND AND  
PAYMENT OF EMPLOYER'S SHARE OF TAXES

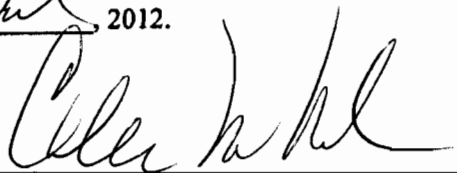
Having considered the parties' arguments set forth in Class Counsel's February 24, 2012  
letter, ECF No. 71,

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

1. The funds remaining in the Settlement Fund shall be redistributed only to those  
class members who cashed their first round settlement checks;
2. Class members' settlement checks shall be allocated as follows: 50% wages and  
50% non-wages;
3. Defendants shall pay the employer share of all employment taxes attributable to  
the wage portion of class members' settlement checks ("Employer Taxes") separate from the  
settlement fund. The Claims Administrator shall calculate the amount of the Employer Taxes  
due and notify all parties of the amount of Employer Taxes due within two weeks from the date  
of this Order or as soon as practicable;

4. Defendants shall remit the Employer Taxes to the Claims Administrator within one week of receiving the Claims Administrator's calculations;
5. The Claims Administrator shall make the redistribution as soon as practicable after receiving the Employer Taxes from Defendants;
6. Class members who did not cash their first round settlement checks but who come forward after the redistribution shall be reissued settlement checks, in order of the dates they come forward, only if sufficient funds remain in the settlement fund after the redistribution and the time for cashing second round checks has elapsed; and
7. With respect to class members who did not cash their first round checks and who do not come forward, the Claims Administrator shall amend the reporting to the I.R.S. to indicate that these class members did not cash their settlement checks.

It is so ORDERED this 9 day of March, 2012.



Honorable Colleen McMahon,  
United States District Judge

